

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION**

CIVIL ACTION NO.  
2:21-CV-00020-JRH

**DISTRICT ATTORNEY GEORGE BARNHILL'S MOTION TO STAY DISCOVERY  
AND BRIEF IN SUPPORT**

COMES NOW GEORGE BARNHILL, Defendant in the above-styled civil action, and hereby moves this Court to stay the commencement of discovery pending the Court's resolution of Mr. Barnhill's Motion to Dismiss for Failure to State a Claim. In support of this Motion, Mr. Barnhill respectfully shows the Court as follows:

## I. BACKGROUND

This case stems from the tragic shooting death of Ahmaud Arbery, which took place on February 23, 2020. (Am. Cmplt., Doc. 110 pp. 13-19). Plaintiff, Ahmaud’s mother and executor of his estate, filed suit on February 23, 2021, in her individual capacity and as executrix. [Doc. 1]. An Amended Complaint was filed February 22, 2022. (Doc. 110). In her Complaint, Plaintiff brings several claims against Mr. Barnhill, including (1) denial of access to courts pursuant to 42 U.S.C. § 1983; (2) conspiracy to obstruct justice pursuant to 42 U.S.C. § 1985(2); and (3) libel.

Mr. Barnhill filed a Rule 12(b)(6) Motion to Dismiss. Mr. Barnhill now moves to stay discovery until the Court has issued an order on the Motion to Dismiss. Mr. Barnhill respectfully requests that this Honorable Court stay discovery pending a ruling on his Motion to Dismiss.

## II. ARGUMENT

Rule 26 of the Federal Rules of Civil Procedure gives trial courts broad discretion to alter the sequence of discovery “for the convenience of the parties ... and in the interest of justice.” Fed. R. Civ. P. 26(d). The Eleventh Circuit has instructed that when a pending motion challenges the legal sufficiency of a claim, discovery should be stayed until the motion is resolved. *See, Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1367 (11th Cir. 1997); *Kaylor v. Fields*, 661 F.2d 1177, 1184 (8th Cir. 1981) (“discovery should follow the filing of a well plead complaint. It is not a device to enable a Plaintiff to make a case when his complaint has failed to state a claim.”). Proceeding with discovery while the Motion to Dismiss is pending would potentially result in unnecessary discovery, needless costs, and wasted resources. Accordingly, Mr. Barnhill respectfully request that the Court stay discovery in this action.

A Proposed Order is attached.

## III. CONCLUSION

Defendant respectfully requests that this Motion be granted and that the Court stay discovery pending the final resolution of Mr. Barnhill’s Motion to Dismiss.

This 29th day of August, 2022.

HENEFELD & GREEN, P.C.

/s/ Noah Green

Noah Green  
Georgia Bar No. 468138  
*Attorney for Defendant Barnhill*

3017 Bolling Way NE, Suite 129  
Atlanta, Georgia 30305  
(404) 841-1275  
ngreen@henefeldgreen.com

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION**

WANDA COOPER, in her individual §  
capacity and as administrator of the §  
estate of the decedent, Ahmaud Arbery, §  
§  
§  
*Plaintiff,* §  
v. § CIVIL ACTION NO.  
§ 2:21-CV-00020-JRH  
§  
§  
GEORGE BARNHILL et al., §  
§  
§  
*Defendants.* §

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**CERTIFICATE OF SERVICE**

This is to certify that I have this day served all counsel of record with a copy of **Defendant Barnhill's Motion to Stay Discovery** by filing same with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

This 29th day of August, 2022.

HENEFELD & GREEN, P.C.

/s/ Noah Green

Noah Green

Georgia Bar No. 468138

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